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14 *Inc., C3 Presents, LLC, and Front Gate*
Ticketing Solutions, LLC

15 UNITED STATES DISTRICT COURT
16 DISTRICT OF NEVADA, SOUTHERN DIVISION
17

18 ERIN J. PAXSON,
19
20 Plaintiff,

21 vs.

22 LIVE NATION ENTERTAINMENT, INC., a
Delaware Corporation; LIVE NATION
WORLDWIDE, INC., a Delaware
23 Corporation; C3 PRESENTS, LLC, a
Texas Limited-Liability Company; FRONT
24 GATE TICKETING SOLUTIONS, LLC, a
Delaware Limited-Liability Company,
25 JOHN ROE COMPANIES NOS. 1-5, ROE
BUSINESS ENTITIES NOS. 1-20; AND
26 DOE INDIVIDUALS NOS. 1-100,

27 Defendants.
28

Case No. 2:24-cv-00907-APG-EJY

**STIPULATION AND ORDER
WITHDRAWING DEFENDANTS' MOTION
TO COMPEL ARBITRATION (DOC. 13)
WITHOUT PREJUDICE AND SETTING
NEW BRIEFING SCHEDULE**

(SECOND REQUEST)

**STIPULATION AND ORDER WITHDRAWING DEFENDANTS' MOTION TO COMPEL
ARBITRATION (DOC. 13) WITHOUT PREJUDICE AND SETTING NEW BRIEFING
SCHEDULE
(SECOND REQUEST)**

Plaintiff ERIN J. PAXSON ("Plaintiff") and Defendants LIVE NATION ENTERTAINMENT, INC., LIVE NATION WORLDWIDE, INC., C3 PRESENTS, LLC, and FRONT GATE TICKETING SOLUTIONS, LLC (collectively "Live Nation" or "Live Nation entities" or "Defendants"), by and through their counsel of record hereby respectfully submit this Stipulation and Order to (1) withdraw Defendants Motion to Compel Arbitration (Doc. 13) without prejudice to refile; and 2) set the briefing schedule for the refiled Motion to Compel Arbitration.

REASON FOR WITHDRAWAL

While investigating the facts surrounding Plaintiff's assent to the Live Nation entities Terms of Use in response to the arguments asserted in Plaintiffs' Opposition to Defendants' Motion to Compel Arbitration (Doc. 26), Defendants discovered that the process for customers to assent to the Terms of Use was different in August 2021 than previously thought. Rather than assent to the Terms of Use upon signing-up for an account, customers were presented with the Terms of Use upon checkout.

While Defendants still assert a valid arbitration agreement exists between Plaintiff and the Live Nation entities, Defendants recognize that these newly discovered facts may impact the parties' arguments in support of, or in opposition to, a Motion to Compel Arbitration. In the interest of fairness and full candor, Live Nation disclosed the newly-discovered facts to counsel for Plaintiff and, following their meet and confer regarding this issue, the parties respectfully request the Court allow Defendants to withdraw the current Motion to Compel Arbitration (Doc. 13) without prejudice and to refile the motion to compel arbitration as a new motion grounded in the newly discovered facts. Plaintiff reserves all rights with respect to how she will address the new Opposition.

Defendants contend that allowing Defendants to withdraw the current Motion to Compel Arbitration (Doc. 13) will make for a more factually accurate record and frame the

issues based on the correct factual record concerning Plaintiffs' agreement (or lack thereof) to arbitration while providing Plaintiff with an opportunity for a fulsome opposition.

PROPOSED BRIEFING SCHEDULE

The parties stipulate, subject to Court approval, to the following refiling and briefing schedule for Defendants' Amended Motion to Compel Arbitration based on certain scheduling conflicts and previously planned family vacations of the parties' respective counsel:

Defendants' Amended Motion:	June 21, 2024
Plaintiff's Opposition:	July 19, 2024
Defendants' Reply:	July 29, 2024

This stipulation is made in good faith and not for the purpose of delay.

This is the second extension of time requested by counsel.

DATED this 18th day of June, 2024.

THE702FIRM

/s/ Joel S. Hengstler

JOEL S. HENGSTLER, ESQ.
Nevada Bar No. 11597
Attorney for Plaintiff

DATED this 18th day of June, 2024.

LEWIS BRISBOIS BISGAARD &
SMITH LLP

/s/ Lauren P. Frister

LAUREEN P. FRISTER, ESQ.
Nevada Bar No. 13217
Attorney for Defendants

ORDER

IT IS SO ORDERED.

Dated this 19th day of June, 2024.



U.S. DISTRICT COURT JUDGE